

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

December 21, 2006

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, December 21, 2006, at 1:40 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Darrell Downing, Chair; Don Anderson, Vice-Chair; Harold Warner, Jr., Bill Johnson; Bob Aldrich; Elizabeth Bishop; M.S. Mitchell; Don Sherman; Bud Hentzen; Ronald Marnell; Hoyt Hillman and Morris K. Dunlap. Michael Gisick and John W. McKay Jr.; were not present. Staff members present were: John L. Schlegel, Secretary; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Derrick Slocum, Associate Planner; David Barber, Advanced Plans Manager and Maryann Crockett, Recording Secretary.

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1. Approval of the November 16, 2006 MAPC minutes.

MOTION: To approve the November 16, 2006 MAPC minutes.

MITCHELL moved, **ALDRICH** seconded the motion, and it carried (11-0).

❖ SUBDIVISION ITEMS

2. Consideration of Subdivision Committee recommendations from the meeting of December 14, 2006.
 - 2-1. **SUB 2006-73: Final Plat – TARA CREEK ADDITION,** located north of Pawnee and on the west side of 127th Street East. (Deferred from 12-7-06)

NOTE: This unplatted site is located in the County adjoining Wichita's city limits and annexation is required.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. The site has already been included in the sewer main benefit district.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. A minimum pad elevation is needed adjoining Reserve A.**
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes one street opening to 127th St. East and complete access control along Mt Vernon. **Access controls are approved.**
- F. **Traffic Engineering** has requested the dedication of 20 feet additional street right-of-way along Mt Vernon. **The applicant will be providing a 20-ft contingent street dedication overlaid with a 20-ft drainage easement.**

The contingent street dedication has been platted as requested. On the final plat, the contingent dedication of right-of-way needs to be referenced in the plat's text as follows, "The contingent street dedication shall become effective in the event that the City determines a need for the right-of-way for any street-related purposes."

- G. The Applicant shall guarantee the paving of the proposed streets.
- H. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- I. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- J. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- K. **GIS** needs to comment on the plat's street names. *Street names are approved.*
- L. **City Fire Department** has requested a second point of access. *The Subdivision Committee has approved a second point of access extending to Mt Vernon. This access easement may be established by separate instrument. A restrictive covenant shall be provided that: a) limits development to 30 lots prior to a secondary access being constructed, and b) provides for the elimination of the secondary access upon the construction of a connecting street to the west.*
- M. **City Fire Department** requests a temporary turnaround at the west property line. This turnaround can either be established by the plat or by separate instrument, with the vacation of the temporary cul-de-sac being effective upon the extension of the street westward.
- N. The right-of-way width needs to be denoted for Mt Vernon.
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental

jurisdiction concerning erosion and sediment control device requirements.

- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Y. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

DUNLAP moved, **HENTZEN** seconded the motion, and it carried (11-0).

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- 2-2. **SUB 2006-52: Final Plat – STONERIDGE ESTATES ADDITION**, located south of 61st Street North and on the west side of Ridge Road.

NOTE: This is unplatted property located in the County within three miles of the City of Wichita. It is in an area designated as “Rural” by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Maize Area of Influence. A zone change request has been approved (ZON 2006-27) from RR, Rural Residential to SF-20, Single-Family Residential.

STAFF COMMENTS:

- (A) Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. **A memorandum has been approved specifying approval of the proposed individual alternative sewer system from County Code Enforcement. A maintenance agreement is needed.**
- (B) In conformance with the Urban Fringe Development Standards, for individual domestic wells that are proposed, a Safe Yield Analysis must be provided to **Sedgwick County Code Enforcement** to assure the availability of an adequate, safe supply of water that does not impair existing water rights. Easements shall be dedicated for potential future extension of public water.
- (C) If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- (D) **County Engineering** needs to comment on the status of the applicant’s drainage plan. **The drainage plan is approved.**
- (E) An emergency access easement for **Sedgwick County Fire Department** needs to be provided to Reserve A along with a maintenance access easement.
- (F) Dimensions are needed on the west line of Lot 8.
- (G) Applicant should contact Westar Energy as to proposed uses for Reserve “A” within 150’ KG&E easement.
- (H) The owners of the reserve on the plat shall bear the cost of any repair or replacement of improvements within said reserve resulting from street construction, repair, or maintenance.
- (I) A legal description is needed.

- (J) Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- (K) For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- (L) **County Engineering** needs to comment on the need for access controls. **Access control along Ridge Road is approved. 75' complete access control is needed along Hidden Acres.**
- (M) **Sedgwick County Fire Department** advises that all access drives shall be in accordance with Sedgwick County Service Drive Code.
- (N) The applicant shall guarantee the installation of the proposed street. The guarantee shall include the installation of a temporary turnaround.
- (O) In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- (P) The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat.
- (Q) On the final plat, the MAPC signature block needs to reference "Darrell A. Downing, Chair".
- (R) **GIS** needs to comment on the plat's street names. **The street names are approved.**
- (S) The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- (T) The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- (U) The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- (V) The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- (W) To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- (X) The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- (Y) The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located

within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

- (Z) Perimeter closure computations shall be submitted with the final plat tracing.
- (AA) Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- (BB) The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- (CC) A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

DUNLAP moved, **HENTZEN** seconded the motion, and it carried (11-0).

2-3. SUB 2006-108: One-Step Final Plat – SOUTH LAKES SPORTS COMPLEX ADDITION, located north of 55th Street South and on the east side of Meridian.

NOTE: This is an unplatted site with a portion located within the County and annexation is required. The County portion of the property will be converted to SF-5, Single-Family Residential upon annexation.

STAFF COMMENTS:

- (A) Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential.
- (B) Municipal services are available to serve the site.
- (C) If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- (D) City Engineering needs to comment on the status of the applicant's drainage plan. County Engineering requests a drainage plan for review. A drainage easement is needed. The minimum building elevation needs corrected.
- (E) Traffic Engineering needs to comment on the access controls. The plat proposes one access opening along Meridian. Access controls are approved.
- (F) The Applicant shall meet with Sedgwick County Public Works concerning right-of-way for the Meridian 2008 improvement project.
- (G) The applicant shall provide a guarantee for a left turn lane at the opening along Meridian.
- (H) The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- (I) Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- (J) For those reserves being platted for drainage purposes, the required covenant that provides for ownership

and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- (K) In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- (L) This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised.
- (M) More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- (N) The Applicant has platted a 20-foot building setback along Meridian which represents an adjustment of the Zoning Code standard of 25 feet for the SF-5, Single-Family District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission. The applicant will be revising this setback to 25 feet.
- (O) GIS requests that Meridian Street be labeled as "Meridian Ave".
- (P) The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- (Q) The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- (R) The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- (S) The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- (T) To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- (U) The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- (V) The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- (W) Perimeter closure computations shall be submitted with the final plat tracing.
- (X) Recording of the plat within 30 days after approval by the City Council and/or County Commission.

- (Y) The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- (Z) A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov. Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

DUNLAP moved, **HENTZEN** seconded the motion, and it carried (11-0).

2-4. SUB 2006-105: One-Step Final Plat – THE FAMILY VIDEO ADDITION, located east of West Street and on the south side of Central.

NOTE: This is a replat of a portion of the Knight Acres Addition. The south portion of the site has been approved for a zone change (ZON 2006-46) from SF-5, Single-Family Residential to LC, Limited Commercial.

STAFF COMMENTS:

- (A) Municipal services are available to serve the site. A guarantee is needed for the sewer relocation and abandonment of the existing sewer.
- (B) If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- (C) City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved.
- (D) The word "Proposed" should be deleted from the sanitary sewer easement.
- (E) Access controls need to be platted along Central in accordance with the site plan.
- (F) The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings. A Driveway Closure Certificate in lieu of a guarantee may be provided.
- (G) Traffic Engineering needs to comment on the need for additional right-of-way along Central and Sheridan. The access controls are approved.
- (H) A restrictive covenant shall be submitted that permits future cross-lot access with the abutting property owner to the west effective upon commercial development of that property.
- (I) The Applicant has platted a 10-foot building setback along Sheridan which represents an adjustment of the Zoning Code standard of a 20-foot setback for the LC, Limited Commercial District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- (J) The site plan denotes parking spaces along Central encroaching into the 20-foot building setback. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission. The platted setback should be reduced accordingly.
- (K) In the title block "City of Wichita" needs to be added.
- (L) The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

- (M) The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- (N) The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- (O) The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- (P) To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- (Q) The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- (R) The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- (S) Perimeter closure computations shall be submitted with the final plat tracing.
- (T) Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- (U) The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- (V) A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve subject to staff recommendations.

DUNLAP moved, **HENTZEN** seconded the motion, and it carried (11-0).

❖ PUBLIC HEARINGS – VACATION ITEMS

- 3-1. VAC 2006-43: Request to vacate a portion of platted setbacks**, generally located south of 21st Street North on the northeast corner of the Rock Road-Bradley Fair Parkway intersection.

APPLICANT/OWNER: BF Owner, L.L.C.

AGENT: PEC c/o Rob Hartman

LEGAL DESCRIPTION: Generally described as the east 25-feet of a portion of the platted 50-foot setback that runs parallel to the west lot line of Lot 1 and Rock Road, and the

north 10-feet of a portion of the platted 35-foot setback that runs parallel to the south lot line of Lot 1 and Bradley Fair Parkway, all in Block 1, the Bradley Fair 2nd Addition, Wichita, Sedgwick County, Kansas.

LOCATION:

Generally located south of 21st Street North, on the northeast corner of Rock Road & Bradley Fair Parkway (WCC #II)

REASON FOR REQUEST:

Additional room for redevelopment

CURRENT ZONING:

Site, abutting eastern and northern properties and adjacent southern property are zoned "LC" Limited Commercial. These properties are all part of CUP DP-191. Adjacent western properties are zoned "MF-18" Multi-family Residential and "GO" General Office.

The applicant proposes to vacate 25-feet of a southern portion of the platted 50-foot setback which runs parallel to the site's Rock Road frontage and 10-feet of the platted 35-foot setback which runs parallel to the site's Bradley Fair Parkway frontage, all on Lot 1, Block 1, the Bradley Fair 2nd Addition, which is a key corner lot. This case is associated with CUP2006-50, DP-191, a proposed amendment, which will reduce the CUP's setbacks (which are these platted setbacks) to allow the expansion of the maximum building coverage and gross floor area on the site, referred to as Parcel 7. The Unified Zoning Code's (UZC's) minimum street side setback for a CUP is 35-feet. Per the UZC, the MAPC or the Governing Body may modify or waive the setback and lot coverage requirements as part of an amendment of the CUP, as directed in Art.III, Sec.III-2(d) of the UZC. This is the first requested reduction of the CUP's/platted setbacks that run parallel to the CUP's street frontage. The base zoning of the CUP is "LC." The UZC requires a minimum of a 10-foot street side yard setback (the Rock Road side) and 20-foot front yard setback (the Bradley Fair Parkway side). There are no platted easements, manholes or sewer line located in the described portion of the platted setback. There appears to be a water line in the described portion of the platted setback: the applicant must confirm that there is an easement dedicated by separate instrument (and give the film and page number of the recorded easement) that will remain in effect. Comments from franchised utilities have not been received and are needed to determine if they have utilities and easements in the described portion of the setbacks. The Bradley Fair 2nd Addition was recorded with the Register of Deeds June 10, 1996.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval of the vacation of the described portions of the platted setbacks (from 50-feet to 25-feet and from 35-feet to 25-feet), with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 - (1) That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time November 30, 2006 which was at least 20 days prior to this public hearing.
 - (2) That no private rights will be injured or endangered by the vacation of the above-described portion of the platted setbacks and the public will suffer no loss or inconvenience thereby.
 - (3) In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the platted setbacks, described in the petition should be approved with conditions;
 - (1) Prior to final action on the vacation request by the WCC, the proposed amendment, CUP2006-50, to CUP DP191 must be approved by the MAPC, after which the proposed vacation will proceed to the WCC with the approved amendment. The proposed vacation will reflect the same reduction of the setbacks as the approved amendment to the CUP. If the proposed amendment to the CUP is denied the vacation request will be null and void. Provide Planning with a legal description of the approved vacated portions of the setbacks on a Word document via e-mail.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (3) All improvements shall be according to City standards and at the applicant's expense.
- (4) **Per** MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Prior to final action on the vacation request by the WCC, the proposed amendment, CUP2006-50, to CUP DP191 must be approved by the MAPC, after which the proposed vacation will proceed to the WCC with the approved amendment. The proposed vacation will reflect the same reduction of the setbacks as the approved amendment to the CUP. If the proposed amendment to the CUP is denied the vacation request will be null and void. Provide Planning with a legal description of the approved vacated portions of the setbacks on a Word document via e-mail.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (3) All improvements shall be according to City standards and at the applicant's expense.
- (4) **Per** MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

MOTION: To approve subject to staff recommendations.

ALDRICH moved, **BISHOP** seconded the motion, and it carried (11-0).

❖ PUBLIC HEARINGS

4. **Case No.: ZON2006-53/CON2006-54** – Julia Speer (applicant) PEC c/o Rob Hartman (agent) Request County zone change from "SF-20" Single-family Residential to "RR" Rural Residential and Conditional Use for a veterinary clinic in "RR" Rural Residential zoning on property described as;

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 26 SOUTH, RANGE 1 EAST, THAT INCLUDES AN UNPLATTED TRACT TOGETHER WITH RYDING ADDITION SEDGWICK COUNTY, KANSAS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 26 SOUTH, RANGE 1 EAST; THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 291.00 FEET; THENCE NORTH 655.00 FEET; THENCE NORTHEASTERLY 110.57 FEET; THENCE EAST 246.03 FEET TO THE EAST LINE OF THE SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH ALONG THE SAID EAST LINE A DISTANCE OF 756.30 FEET TO THE POINT OF BEGINNING. EXCEPT FOR ROAD RIGHT OF WAY. Generally located North of 45th Street North, and east of Hillside Avenue.

BACKGROUND: The applicant proposes expansion of an existing equine/horse hospital (CU-174) with the proposed rezoning and Conditional Use. The applicant is requesting a zone change from “SF-20” Single-family Residential to “RR” Rural Residential on the northern unplatted 2.94-acre portion of the site. The southern 1.65-acre platted portion of the site (Lot 1, Block 1, Ryding Addition) is zoned “LC” Limited Commercial (SCZ-0340) and is the site of the existing equine/horse hospital. The “RR” and “LC” zoning districts allow consideration of “animal care, general” as a Conditional Use. The UZC’s definition of “animal care, general,” Art.III, Sec.III-DI, “...means a use providing veterinary services for large animals, and that may include small animals (household pets), and for which boarding facilities may be provided.” An equine/horse hospital is categorized as “animal care, general.” The proposed Conditional Use will overlay both the “RR” and “LC” portions of the site, replacing CU-174 on the “LC” zoned portion. The applicant has provided a site plan.

As mentioned the platted portion of the site is developed as the existing equine hospital, with an office/medical building in front, and behind it a completely enclosed stall/facility, and what appears to be an attached stall/facility (stalls), which is open on at least two-sides. There are perhaps five outdoor holding areas used as convalescent pens, located in front of, to the west side of and behind the office/medical building. The provided site plan shows much of this plus the proposed 5,000-sqaure foot expansion of the stall/facility, additional convalescent pens, a proposed storage barn, a proposed additional 20-foot drive, the existing drive onto 45th Street North, existing easements and setbacks, most of the existing trees, and the abutting eastern and western neighbors residences.

The properties abutting the east side of the site are developed as a single-family residence (built 2000), located on a 1.03-acre tract and a larger tract being used as an agricultural field. Both properties are zoned “SF-5” Single-family Residential and are located in the City of Wichita. Properties abutting the west and north sides of the site are developed as single-family residences (built 1953 & 1973) on 1.02-acre and 6.11-acre tracts. Both are zoned “SF-20” and are located in the County. West of these two residences are railroad right-of-way (ROW) and Kansas State Highway-254 (KS-254), with its right-of-way providing land for facilities, a communication tower and yard for K-DOT and the Kansas Highway Patrol. South of the site, across 45th Street North, are agricultural fields zoned mostly “SF-5” and a small area zoned “LC”, all in the City of Wichita. The “LC” zoned property is a remnant of a node of “LC” zoning, located around the Hillside – 45th intersection, which was established by the 1958 County zoning and later broken up by improvements to KS-254. The site and its neighboring western properties are the southern end of land in the County that follows KS-254, north out of Wichita, broken by the City of Kechi, then resuming north of that City. The properties located east, south and west (across KS-254, approximately 1/3-mile from site) of the site were annexed into Wichita after 1990. The City of Bel Aire is located approximately ¾-mile east of the site.

CASE HISTORY: The north 2.94-acre portion of the site is not platted. The south portion of the site is platted as the 1.65-acre Lot 1, Block 1, Ryding Addition, recorded with the Register of Deeds August 1, 1975. The platting of the south portion of the site was a requirement of a Sedgwick County zoning change and its associated Conditional Use request. The 1958 zoning map shows the site’s area being zoned “R-1” Suburban Residential. The mentioned County zone change, SCZ-0340, was from “R-1” to “LC” Light Commercial: now designated “SF-20” Single-family Residential and “LC” Limited Commercial, as of March 25, 1996. The associated Conditional Use, CU-174, request was to allow an animal hospital for horses. Both SCZ-0340 and CU-174 were approved by the Planning Commission (7-0) at their February 27, 1975 meeting with the following conditions: platting within a year of approval by the County Commission (March 19, 1975), no outside maintenance of patient animals, all structures set back no less than 35-feet from 45th Street North and the owner of the property shall comply with the rules and requirements of the Wichita-Sedgwick County Health Department. There was also an earlier Conditional Use, CU-102, on the unplatted tract, to allow a greenhouse. It appears that the greenhouse was never built.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-20”	Large tract residence
EAST:	“SF-5”	Agricultural field, residence
SOUTH:	“SF-5,” “LC”	Agricultural field
WEST:	“SF-20”	Residence

PUBLIC SERVICES: 45th Street North is a two-lane arterial, paved and maintained by the County. There are no traffic counts available at this location. There is no public water or sewer for the site, which is served by a well and a lagoon. All other utilities appear to be available.

CONFORMANCE TO PLANS/POLICIES: The 2030 *Wichita Functional Land Use Guide Map* identifies this property as “employment/industry center.” The Guide suggests a range of uses including “manufacturing and

fabrication facilities, warehousing and shipping centers, call centers and corporate offices” as appropriate development. The *Locational Guidelines of the Comprehensive Plan* states that industrial activities should be located in close proximity to support services, be provided good access to major arterials, rails and trucking routes, not feed directly onto local streets, and should be away from existing or planned residential areas. Although the existing and proposed equine/horse hospital is classified as a commercial use by the UZC, its traffic is from a small and specific cliental, with a traffic pattern more similar (perhaps less) to uses in “employment/industry center,” than a typical commercial/retail use. The site has direct access onto an arterial, 45th, and has almost immediate proximity/access to KS-254. There are no platted single-family residential neighborhoods in the area, except for the Falcon Heights 3rd Addition, located west across KS-254. Although the “RR” zoning district is intended for application in unincorporated Sedgwick County, the site’s proposed use and location within County (and its lack of public water & sewer) made the down zoning from “SF-20” to “RR” more appropriate than expanding the site’s “LC” zoning that was established in 1975.

RECOMMENDATION: In 1975 the site’s original applicant, Dr. Paul Ryding, noted the advantages of the site’s location in regards to his veterinary services. The site was located closer to all his clients throughout the County and was readily accessible from the “Canal Route, Northeast Circumferential, I-235 and US-54” (1975 public hearing minutes), at a time when he claimed (1975 minutes) to be the only vet that provided a horse hospital in Sedgwick County. These locational advantages of the site still apply and although the city limits of Wichita has expanded up to the site, development in the area is much like it was in 1975. New development since 1975 include the abutting eastern single-family residence (2000), improvements to KS-254 and the K-DOT – Kansas Highway Patrol facilities, communication tower and yard on the KS-254 ROW. The proposed expansion of the facility should be no more offensive than a manufacturing facility (as suggested by the *2030 Wichita Functional Land Use Guide Map*), if operated with the conditions of the proposed conditions of the Conditional Use. Based on the information available prior to the public hearing, staff recommends the application be APPROVED, subject platting within one year, and to the following conditions.

- (1) The site shall comply with the requirements and regulations of the Sedgwick County Department of Community Health and the Kansas Department of Health and Environment in regards to on-site sewage, animal waste and water wells for an Equine/horse hospitable and human use.
- (2) The current facility and proposed expansion shall comply with the requirements and regulations of the Building Code for an Equine/horse Hospital. No boarding of any animals except horses/equines
- (3) Parking requirements for the proposed use with the current facility and the proposed expansion are 4 spaces per 1000 sq-feet, for the veterinary clinic.
- (4) The facility shall be maintained free of rodent harborage, including but not limited to improperly stored materials, enclosed partition walls, and wooden floors closer than 12 inches above ground. Grain or other feed, other than hay, shall be contained in rodent proof bins or rodent proof metal containers. Rodenticides and insecticides shall be used to control rodents and flies. The facility shall be cleaned at least once a week or when necessary to control odors, flies and rodent breeding.
- (5) The use of Health Department approved soil sterilants and herbicides or other effective means of control for weeds and grass around the facility and corral/outside pens areas.
- (6) The current facility and the proposed expansion to it shall be open to unannounced inspection by the Sedgwick County Department of Community Health and the Kansas Department of Health and Environment personnel during reasonable daylight hours to insure continued compliance with the above requirements.
- (7) A revised site plan shall be required, which will include the minimum setbacks for the “RR” zoning district.
- (8) If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The neighborhood still appears to be more rural than urban, with the only development in the area being the site’s horse hospital, its three neighboring single-family residences and the K-DOT – Kansas State Highway Patrol facilities, communication tower and yard. Zoning is either “SF-5” or “SF-20,” with “LC” zoning located around the Hillside – KS-254 – 45th intersection/interchange.
2. The suitability of the subject property for the uses to which it has been restricted: The horse hospital has been located at this site since 1975, which is in an area that has changed little since then. The exception is

improvements to KS-254, which has increased accessibility to the site from areas within and outside Sedgwick County. KS-254, the K-DOT – Kansas Highway Patrol facilities on its ROW and the Railroad ROW act as a buffer between the site and platted single-family subdivisions west of it. KS-254 and the railroad ROW also act as a buffer for any future development north of the site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The *2030 Wichita Functional Land Use Guide Map* identifies this property as suitable for “employment/industry center” uses. The existing horse hospital and its proposed expansion can fit within this use category as an expanded Conditional Use.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be minimal, with the exception of generation of animal waste from horses.

BILL LONGNECKER Planning Staff presented the staff report.

MITCHELL objected to the wording of item (5) under recommendations in the Staff Report regarding “Health Department approved soil sterilants and herbicides.” He commented that those items were subject to Federal and/or State standards and could not be superceded by the County or local government.

LONGNECKER responded that this was standard language requested by the County. He asked Mr. Mitchell what language he would like to use.

MITCHELL commented that “or whatever effective means to control weeds and grass” was okay.

BISHOP mentioned that there might be a difference in what was used depending on whether there were grass-eating animals in the area.

ROB HARTMAN, PEC, P.A. said they were in agreement with staff comments. He added that the County does not have signage provisions for conditional uses in the County. He said the owner would like to keep the small brick column entry into the project, and for the record, would like to have that “grand fathered” in with the understanding that no additional signage would be erected.

MOTION: To approve subject to staff recommendations, and the provision that applicant will keep existing signage.

HENTZEN moved, **BISHOP** seconded the motion, and it carried (11-0).

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5. **Case No.: ZON2006-54** – Villa Flores, LLC (applicant/owner) John Tasset (agent) Request Zone change from "SF-5" Single-family Residential to "MF-29" Multi-family Residential on property described as;

Beginning 1320 feet North of the Southeast Corner of the West Half of the Northeast Quarter of Section 5, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence West parallel with the South line of said Quarter Section, 599 feet to a point 730 feet East of the West line of said West Half; thence 394 1/2 feet North to a point 730 feet East and 1066.3 feet South of the Northwest Corner of the West Half of the Northeast Quarter aforesaid; thence East parallel with the North line of said Quarter Section, 180 feet to the center of Chisholm Creek; thence Southeasterly along the center of said creek to the East line of said West Half; thence South 83.2 feet to the place of beginning, except that part condemned by North Wichita Drainage District, Sedgwick County, Kansas, EXCEPT the West 440.00 feet of the South 25.00 feet. Generally located 1/8-mile east of Arkansas Avenue on the north side of 27th Street North

BACKGROUND: The applicant is seeking “MF-29” Multi-family Residential zoning on a “SF-5” Single-family Residential zoned 3.5-acre unplatted and undeveloped site. The site is located approximately three-blocks east of Arkansas Avenue, on the north side of 27th Street North with its east side up against a drainage channel. 27th does not cross this abutting drainage channel, which flows north from the Chisholm Creek Diversion (37th-36th Street

North) southeast, below 21st Street North to the drainage channel that runs parallel to I-35. 27th provides the only access onto the site.

The site and four abutting and adjacent properties north of the site, are the area's only "SF-5" zoned properties between the drainage channel and Arkansas. The site and the largest of the other "SF-5" zoned properties are also some of the few undeveloped properties in the area and both back up to the drainage channel. Property west of the site is platted (Northcourt Addition, recorded 1938), is zoned "TF-3" Duplex Residential and is developed as single-family residential, with residences appearing to have been built through the late 1930s through 1950. Property south of the site, across 27th is platted (Maggarts Addition, 1909), zoned "TF-3" and is developed as single-family residential, with the residences closest to the site being built in the late 1930s through 1961. Properties east of the site, across the drainage channel, are zoned "TF-3" and "B" Multi-family Residential. The "TF-3" zoned property is platted (Meadow Creeks Addition, 1995) and developed (built 1995) as a single-family residential subdivision; this is the most recent development in the area. The "B" zoned properties are either not platted and not developed or platted (Northland Addition, 1919, and Mount Rose Park Addition, 1932) and developed as single-family residences. Although most of the zoning in the area is "TF-3" with some "B," development is overwhelmingly single-family residential. There is a two-story apartment (1983), zoned "GO" General Office, located three-blocks west of the site on Arkansas Avenue, a two-lane minor arterial. This is the only apartment within a two-block area around the site. Other than that, it appears there is one other small group of one-story apartment buildings located three-blocks north of the site, off of Arkansas.

Compatibility height standards restrict building height to 35 feet adjacent to property zoned "TF-3" or more restrictive, except the building may increase one foot in height for every three feet of setback greater than 50 feet. The UZC's standards for screening and landscaping and all other applicable development standards would be applied to the proposed "MF-29" subject site.

CASE HISTORY: The subject property is not platted and is vacant. The site's area was annexed into the City between 1961-1970. The 1958 zoning map shows the site's area being zoned "R-1" Suburban Residential. When the site's area was annexed into the City its zoning was changed to "A" Two-family Residential (which was changed to "TF-3" in 1996) and "B". The predominate single-family residential development in the area was in place prior to the "TF-3 & "B" rezoning, which was the result of the area being annexed into the City.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Vacant
SOUTH:	"TF-3"	Single-family residential
EAST:	"TF-3", "B"	Single-family residential, vacant
WEST:	"TF-3"	Single-family residential

PUBLIC SERVICES: The subject site has one point of access onto a public street, 27th Street North. 27th is a paved residential street that connects to Arkansas Avenue, three-blocks east of the site. Arkansas is a two-lane minor arterial. 27th does not cross over, east, the drainage channel, but instead intersects south onto Fairview Avenue, a paved residential street. All other utilities and services are available.

CONFORMANCE TO PLANS/POLICIES: According to the *Unified Zoning Code*, "MF-29" zoning is a high-density, multi-family residential district that "...is intended for application within the City of Wichita." The *Comprehensive Plan's* residential location guidelines state that: high density uses should be located within walking distance of schools; they should be directly accessible to arterial or collector streets and these uses should be sited where they will not overload or create congestion in existing or planned facilities. The site is less than a ½-mile from Cloud Elementary School and three blocks from Evergreen Park. The site does not have direct access to an arterial or a collector street. The site is located three blocks from Arkansas Avenue and two blocks from 25th Street North, both two-lane minor arterials. Traffic from the site would travel through a single-family residential neighborhood to get to either of the two minor arterials. The *Wichita Functional Land Use Guide Map* depicts the site as appropriate for "urban residential", which reflects the full diversity of residential development densities found in a large urban municipality. The site is also located within a "Local Investment Area" and a "Neighborhood Revitalization Area", which has a tax rebate program that provides a five-year rebate on new construction of single-family and multi-family dwellings and commercial and industrial development, within specific guidelines.

RECOMMENDATION: An issue with this site and the proposed "MF-29" zoning is access. The site has no direct access onto an arterial or a collector street. It has one point of access onto a local street, 27th Street North and traffic from the proposed "MF-29" site would move through a single-family residential neighborhood. Another

consideration is that although the predominate zoning in the area is "TF-3", with some "B" zoning across the drainage channel, the area (including the "B" zoned portion) is overwhelmingly developed as single-family residential. As noted in the 'Case History' section of this report, most of the area's current single-family development was in place before the area was annexed into the city and its zoning was subsequently changed from "R-1" Suburban Residential to what it is now, "TF-3" & "B". Although the area's current zoning has allowed opportunities for both duplex and apartment development, the most recent development was a 1995 single-family residential subdivision, located east, across the drainage channel, from the site. Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area is established as single-family residential, with most of it zoned "TF-3" Duplex Residential, with some "B" Multi-family Residential. The "B" zoned properties are all located east, across a drainage channel, from the site. The site and four other abutting and adjacent properties are zoned "SF-5" Single-family Residential and are surrounded by "TF-3" zoning and single-family Residential development. There is one, two-story apartment building, zoned "GO" located three-blocks west of the site on Arkansas Avenue, a two-lane minor arterial. The few vacant properties (including the site) in the area appear to be mostly located next to the drainage channel.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned "SF-5" which allows a lower density of development and has fewer uses by right than the district requested. The property could be developed as zoned, which would match the predominate single-family residential development in the area. The current "TF-3" & "B" zoning in the site's area does not reflect the single-family residential development that was largely in place prior to the area being annexed into the city between 1961-1970
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Density and traffic volumes will increase over current conditions if the requested zoning is approved. The proposed zoning would in fact offer no buffer between the existing "TF-3" and "B" zoning, as the two zoning districts are separated by an extensive drainage channel, with no bridge over it: the drainage is now and will continue to be an effective buffer. Even though "TF-3" zoning is on three sides of the site and "B" zoning is east of the site across the drainage channel, the predominate development on both sides of the channel is single-family residential. The required parking for multi-family residential development would increase runoff on the site.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is not in conformance with recommended location guidelines for high density residential uses, however, the request is in conformance with the land use recommendations of the *Functional Land Use Guide*.
5. Impact of the proposed development on community facilities: Traffic volumes will increase and there will be an increased demand for municipal services. The required parking for multi-family residential development would increase runoff on the site.

BILL LONGNECKER Planning Staff presented the staff report.

LONGNECKER reported that the applicant would like a month deferral to take the case back to District Advisory Board VI.

MOTION: To defer application for one month.

WARNER moved, **ANDERSON** seconded the motion and it carried (11-0).

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6. **Case No.: CUP2006-49** – Lake Side Church, Inc. (owner), Baughman Company, PA, c/o Terry Smythe (agent) Request DP-264 Lewis Development Community Unit Plan Amendment #1 to add 7.15 acres for residential development on property described as;

Lot 1, West Meadows, Sedgwick County, Kansas. Generally located North of 13th Street North approximately 1/4 mile east of 135th Street West.

BACKGROUND: The applicant proposes to expand DP-264 Lewis Development CUP by adding a 7.15 acre tract (Parcel 3) zoned “SF-5” Single-family Residential on the eastern boundary of the existing CUP. Parcel 3 would be permitted multi-family use developed at a density of 5,000 square feet per dwelling unit. The applicant has asked to clarify that both Parcels 2 and 3 could be developed with single-family detached or patio homes as well as duplex or multi-family dwelling structures, all abiding by the floor area ratio of one dwelling unit of 5,000 square feet per dwelling unit.

Parcel 3 would be subject to the same general provisions for site development requirements as Parcel 2 of DP-264. Maximum building height would be 35 feet. North and east building setbacks would be 25 feet, reduced to 20 feet along property lines abutting the church site. A masonry wall six to eight feet in height was required for Parcel 2. This requirement could be shifted to the eastern edge of Parcel 3 if Parcels 2 and 3 are utilized as a joint development, and the wall should be required abutting SF-5 and SF-20 residential zoning unless the entire tract is developed in single-family detached or patio home development.

Parcel 3 would share an access point and be allowed one shared entry sign with Parcel 2 that follows the Wichita Sign Code provisions for MF-18. Light poles are limited to 14 feet in height on Parcels 1 within 200 feet of residential zoning and on Parcel 2; the same limitation should be on Parcel 3.

Parcel 1 of DP-264 located west of the application area is approved for commercial development but is vacant. Lake Side Church, who is the current owner of Parcel 3, is located on the abutting property to the southeast of the application area. Another church is located to the west of Parcel 1 of DP-264. Both churches are located on property zoned SF-5. The property to the north is zoned “SF-20” Single-family Residential and is in agricultural use. The property to the northeast is held in larger, suburban residential tracts, zoned SF-5 and SF-20. The property to the south is zoned SF-5 and being developed as Hickory Creek Estates and Liberty Park subdivisions.

CASE HISTORY: The property is platted as West Meadows Addition, recorded October 25, 1985. DP-264 Lewis Development was approved June 3, 2003 by the Wichita City Council (CUP2003-15; ZON2003-16) and June 4, 2003 by the Sedgwick County Board of Commissioners (CUP2003-16; ZON2003-18). It is platted as Blattner Addition, recorded July 11, 2005.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Agricultural
SOUTH:	SF-5	Single-family
EAST:	SF-5	Church, suburban residential
WEST:	SF-5, LC	Vacant

PUBLIC SERVICES: 2006 traffic counts for 13th Street North and 135th Street West were 2,500 vehicles per day. The plat for Blattner Addition (the existing CUP) identified two points of access, one of which was on the eastern 60 feet of the property. The West Meadows Addition (CUP expansion tract plus church site) also allowed two points of access. However, the distance between the eastern access on Blattner Addition and the church drive is only 315 feet. This is insufficient for allowing an additional full-movement drive entrance, and is actually below Access Management Policy distance separation requirements already.

Other normal public services will be available for the development.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as within the 2030 Wichita urban growth area and as appropriate for “major institutional,” in keeping with the current use of the balance of West Meadows Addition as a church site. The abutting land in DP-264, Parcel 2, is shown on the 2030 Wichita Functional Land use Guide as “urban residential.” The proposed use of Parcel 3 for multi-family uses but restricted to SF-5 density is in conformance with this designation.

Residential Objective II.A.1 seeks to use community unit plans and other tools to promote mixed use development, higher density residential environment and appropriate buffering. The use of Parcel 3 for multi-family at 5,000 square feet per dwelling unit density is in conformance with this objective.

RECOMMENDATION: The request would expand the site from 12 to 19 acres for the area approved for greater flexibility of dwelling unit types. Staff recommends that a masonry screening wall and landscape buffering be required along the perimeter of the site to buffer it from adjoining residential properties unless the site is developed with single-family detached or patio homes. Based on these factors, plus the information available prior to the public hearing, staff recommends the request DP-264 Amendment #1 be **APPROVED** subject to the following conditions:

1. Replat or lot split West Meadows Addition; remove one point of access and dedicate an additional 10 feet of right-of-way for the new lot to be created for Parcel 3.
2. Add the following statement (that was required by the previous CUP2003-15 and CUP2003-16) as a general provision: "No development on Parcels 2 and 3 shall be permitted until a more detailed site plan showing the general configuration of buildings, setbacks, and type of internal streets shall be provided for review and approval by Planning Director, in conjunction with the Superintendent for Central Inspection."
3. Add 5' wall easement on all property lines of Parcel 3 except the west property line and along 13th Street North.
4. Clarify General Provision #6C applies to Parcel 1. Correct misspelling of "one" on #6E.
5. Clarify General Provision #9A that height applies to light standard, including base, pole and fixture, and that 14 feet is the maximum height for Parcel 1 within 200 feet of residential zoning and the maximum height in Parcels 2 and 3.
6. Revise General Provision #12 to clarify wall requirement applies to perimeter of all three parcels except along 13th Street North, unless the property is developed with single-family detached or patio homes.
7. Add to General Provision #13A that if Parcel 2 or Parcel 3 were developed with multi-family dwelling types a landscape buffer per multi-family buffering requirements of the Landscape Ordinance would be required along the perimeter of the property with multi-family dwelling types.
8. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
9. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
10. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
11. Prior to publishing the lot split or replat, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-264) includes special conditions for development on this property.
12. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Parcel 1 of DP-264 located west of the application area is approved for commercial development but is vacant. Lake Side Church, who is the current owner of Parcel 3, is located on the abutting property to the southeast of the application area. Another church is located to the west of Parcel 1 of DP-264. Both churches are located on property zoned SF-5. The property to the north is zoned "SF-20" Single-family Residential and is in agricultural use. The property to the northeast is held in larger, suburban residential tracts, zoned SF-5 and SF-20. The property to the south is zoned SF-5 and being developed as Hickory Creek Estates and Liberty Park subdivisions.
2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for development in conventional single-family use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Proposed densities for Parcel 3 are those allowed by the SF-5 district, which exceeds that typically achieved in conventional subdivisions but meets the Unified Zoning Code density requirements. This allows for flexibility in

housing type. The CUPs general provisions for signage, lighting, screening wall and landscaping would mitigate the impact on conventional single-family development and suburban development in the vicinity.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as within the 2030 Wichita urban growth area and as appropriate for “major institutional,” in keeping with the current use of the balance of West Meadows Addition as a church site. The abutting land in DP-264, Parcel 2, is shown on the 2030 Wichita Functional Land use Guide as “urban residential.” The proposed use of Parcel 3 for multi-family uses but restricted to SF-5 density is in conformance with this designation. **Residential Objective II.A.1** seeks to use community unit plans and other tools to promote mixed use development, higher density residential environment and appropriate buffering. The use of Parcel 3 for multi-family at 5,000 square feet per dwelling unit density is in conformance with this objective.
5. Impact of the proposed development on community facilities: No significant impact.

DONNA GOLTRY Planning Staff presented the staff report.

MITCHELL asked if a signal was required between the half section line and the subdivision.

GOLTRY said she would have to do research to provide an answer to that question.

HILLMAN asked about the driveway between the two parcels and whether the west commercial drive was interconnected. He said that would be his recommendation.

GOLTRY said that this could be added as a condition, and that this tract would also have potential for interconnection with a future tract. She said staff could add a blanket statement about cross lot circulation to surrounding tracts in the future.

TERRY SMYTHE, BAUGHMAN COMPANY, said he was present to represent the owner, Kelsey Investment. He said they were willing to allow the existing CUP on the west property to come onto their property. He said they would abide by the “SF-5” Single-family Residential density, but would like to preserve the option of doing patio homes with some common areas, instead of doing conventional single family homes on a larger lots. He said either way, the plan will come back to MAPD staff for review. He said they understood that they couldn’t exceed single-family density.

BISHOP verified that there would be one driveway to the housing, but cross lot capability to the commercial properties, and more than one access.

SMYTHE said the plat allowed for two drives to the commercial properties, and people don’t have to come out of the housing drive. Responding to **MITCHELL**, he said he did not recall seeing a signal requirement on the CUP.

LAWRENCE SUTER, 13040 W. 13th St. verified that the church had already sold off approximately seven acres of its property.

SMYTHE responded that was correct.

SUTER said he understood that you could not operate a septic tank system on less than two acres within the City and that the County required five acres. He stated that the church was in violation of the requirement until they got a sanitary sewer, and as far as he knew, none was planned. He said when he bought his property, you had to have ten acres to build on, and since the church bought their property prior to that, they should be under the same rules.

LONGNECKER stated that the Uniform Building Code required a minimum of two acres in the County, and 4.5 acres for a lagoon. He added that those were the current standards.

BISHOP clarified that the Wichita-Sedgwick County Comprehensive Plan had been rewritten several times in terms of how much space was required for different sewer alternatives including septic systems. She said she believed the last rewrite was in 2000-2001.

DOWNING commented that the Planning Commission did not address Code issues. He said this discussion pertained to a proposed planned community unit development, not to the size of the church property or whether they needed a sewage system.

CARLENE SUTER, 13040 W. 13th St. said her issues involved preservation of the wildlife habitat in the area. She said they have deer, turkey, geese, fox, bobcat, and other wildlife that traverse south onto other properties along the Cowskin Creek and nearby Eberly Farm. She said if the area is platted with the density being requested, that would put a halt to wildlife movement through the area. She added that bigger lots would command a higher value and would have less impact on the wildlife. She said another concern was floodwaters off of 13th Street across the Hickory Creek and Cowskin Creek areas. She said she has lived there 23 years and knows what major floods can do. She concluded by mentioning the need for screening on the east side of the proposed development and mentioned that there was no sewer system or water service available to the property. Responding to a question from **WARNER**, **SUTER** confirmed that the subdivision on the south side of 13th Street had City water and sewer.

SMYTHE commented that in order to build on the property, there was a requirement to guarantee extension of City water and sewer. He said the church would be allowed to operate as it is now; however, a hook up could be provided at that time services were extended.

ALDRICH asked if the church was required to connect to City services once they are extended, or was that an option?

SMYTHE said he thought they were required to hook up to City services, if they were available.

MITCHELL clarified that the five-foot wall would be constructed adjacent to Mr. Suter's property?

SMYTHE said that was correct and that they wanted to plat a wall easement along that side so they have that option in the future. He said if they construct patio homes, they want the wall option or a space to provide more landscaping buffer. He said if they build single-family homes, they don't intend to build a wall.

MOTION: To approve subject to staff recommendations.

MARNELL moved, **ANDERSON** seconded, and the motion carried (11-0).

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7. **Case No.: CUP2006-50** – Bradley Fair One, LLC, c/o George Laham, Manager (owner); Professional Engineering Consultants, PA c/o Rob Hartman (agent) Request DP-191 Wilson Property Community Unit Plan Amendment #14 to Parcel 7 on property described as;

A PORTION OF BRADLEY FAIR ADDITION TOGETHER WITH A PORTION OF BRADLEY FAIR 2ND ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOTS 1 THROUGH 5, BLOCK 1; EXCEPT THE EAST 148.00 FEET OF THE NORTH 330.00 FEET OF LOT 2, BLOCK 1, BRADLEY FAIR ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; AND EXCEPT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1, BRADLEY FAIR ADDITION; THENCE BEARING S89°06'32"W, 30.60 FEET; THENCE N0°33'40"W, 16.99 FEET; THENCE N89°38'43"E, 30.60 FEET; THENCE S0°33'40"E, 16.71 FEET TO THE POINT OF BEGINNING, TOGETHER WITH LOTS 1 AND 2, BLOCK 1, BRADLEY FAIR 2ND ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; EXCEPT THE FOLLOWING; BEGINNING AT THE NORTHEAST CORNER OF LOT 3, BLOCK 1, BRADLEY FAIR 2ND ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; THENCE BEARING S52°06'32"W, ALONG THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 20.84 FEET TO THE P.C. OF A CURVE TO THE RIGHT WITH A RADIUS OF 261.43 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°00'00" AN ARC DISTANCE OF 168.82 FEET; THENCE BEARING S89°06'32"W, A DISTANCE OF 86.44 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE BEARING N0°33'40"W, A DISTANCE OF 110.02 FEET TO THE SOUTH LINE OF LOT 2, BLOCK 1, BRADLEY FAIR ADDITION; THENCE BEARING N89°06'32"E, A DISTANCE OF 30.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 1, BRADLEY FAIR ADDITION; THENCE BEARING N0°33'40"W, ALONG THE

EAST LINE OF SAID LOT 2, A DISTANCE OF 16.71 FEET; THENCE BEARING N89°38'43"E, A DISTANCE OF 42.85 FEET TO THE P.C. OF A CURVE TO THE LEFT WITH A RADIUS OF 140.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°41'38" AN ARC DISTANCE OF 50.56 FEET; THENCE BEARING N69°39'39"E, A DISTANCE OF 75.76 FEET TO THE EAST LINE OF LOT 2, BLOCK 1, BRADLEY FAIR 2ND ADDITION; THENCE SOUTHEASTERLY ALONG A CURVE WITH A RADIUS OF 490.00 FEET, THROUGH A CENTRAL ANGLE OF 07°28'59" AN ARC DISTANCE OF 64.00 FEET; THENCE BEARING S37°53'28"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING. Generally located East of Rock Road and south of 21st Street North.

BACKGROUND: The applicant is requesting to expand the maximum building coverage and maximum gross floor area by from 187,201 square feet to 205,000 square feet (an increase of 17,799 square feet) on Parcel 7 of DP-191 Wilson Property (Bradley Fair), zoned "LC" Limited Commercial. The new floor area ratio for Parcel 7 would be 0.19:1. The applicant has indicated this is to accommodate a larger retail building of 28,000 square feet to replace an existing restaurant of 7,400 square feet at the northeast corner of Rock Road and Bradley Fair Parkway. The applicant also requested to increase the maximum building height from 35 feet to 45 feet to accommodate architectural features and to reduce the building setback on Rock Road and Bradley Fair Parkway.

A preliminary site plan shows a replacement building with a larger footprint, reduced setbacks and a reduction of 64 parking spaces. Today, Parcel 7 is developed with a generous setback on Rock Road of 65 to 75 feet and on Bradley Fair of 85 feet, as well as a diagonal setback for the corner that is symmetric with the diagonal setback on the opposite (southeast corner) of the shopping center entrance. The platted setbacks for Parcel 7 are 50 feet on Rock Road and 35 feet on Bradley Fair Parkway. Initially, the applicant requested to reduce the setbacks to 30 feet on Rock Road and 25 feet on Bradley Fair Parkway. Subsequently, the applicant requested an additional 5-foot decrease in the setback on Rock Road. The 25-foot setback is the minimum allowable in the LC district but is 10 feet below the 35-foot setback required within a CUP unless waived by specific governing body approval.

The preliminary site plan mimics the diagonal setback on the southwest corner with a diagonal shaped building wall footprint. The area between the building and the property line would be landscaped street yard with no parking spaces or drive aisles. However, the new setback would place the building closer to Rock Road and Bradley Fair than the other buildings on Parcel 7 and Parcel 6, which is a separate parcel on Rock Road but surrounded on the remaining three sides by Parcel 7. Also, the reduced setbacks and increased height would reduce the visibility of the main shopping center, especially for the tenants located on the southern edge of Parcel 7.

DP-191 Wilson Property is a 67-acre development zoned LC and "GO" General Office, with retail, restaurant, office, financial and hotel uses. The main Bradley Fair shopping center (retail and inline restaurants) occupies the east side of Parcel 7. Three stand-alone retail buildings and three restaurants are located along Rock Road. Parcel 7 surrounds a fourth restaurant located in Parcel 6, Outback Steakhouse; Parcel 6 is independently owned. Parcel 8 is located south of Bradley Fair Parkway and is developed with three larger retail tenants, a cluster of retail shops and another restaurant. Tallgrass Center, zoned LC, is located west of Rock Road and developed with several large retailers, surrounded by small retailers and two restaurants. A large apartment complex, zoned "MF-18" Multi-family Residential, is located immediately to the west of the amendment site. An office complex, zoned GO, is located to the southwest. The Shops at Tallgrass shopping center is located to the north of the Bradley Fair shopping center, and is zoned LC and "NR" Neighborhood Retail.

CASE HISTORY: The property is platted as Lot 1, Block 1, Bradley Fair 2nd Addition, recorded June 10, 1996.

DP-191 was established April 25, 1988, and first amended on November 5, 1991.

- Amendment #2 (November 7, 1995, associated with Z-3177): rezoned property to GO and LC Limited Commercial increased the amount of office and commercial uses permitted, and changed access controls, architectural and signage restrictions, and building height.
- Amendment #3 (February 6, 1996): added an additional 1.77 acres located south and east of 21st Street North and Rock Road to allow for a slightly different site development plan for a proposed commercial development approved by the Wichita City Council on November 7, 1995.
- Amendment #4 (January 16, 1997): combined existing Parcels 1, 2, and 3 into two parcels, reconfigures a common property line share by DP-191 and DP-201, and allowed banks and financial institutions as a permitted use in Parcel 1.
- Amendment # 5 (July 31, 1997): increased the building height from 55 feet to a maximum of 65 feet for a portion of Parcel 2, Bradley Fair Estates.
- Amendment #6 (October 21, 1997): increased the size of the CUP on the southern edge.

- Amendment #7 (January 29, 1998): increased signage and reduced spacing between signs for those parcels located along Rock Road.
- Amendment #8 (March 3, 1998): denied an increase the building sign area on Parcel 1 from 32 square feet to 90 square feet.
- Amendment #9 (April 16, 1998): increased building sign size and height for Parcel 2, reduced the building setback line from 35 feet to 15 feet along the south and east property line, and increased the maximum floor area for Parcels 2 and 3 to 276,000 square feet with hotel use, on Parcel 3 increased from a maximum of 60,000 to 95,000 square feet.
- Amendment #10 (January 14, 1999): combined Parcel 9 into Parcel 8 and approved the entire parcel for LC zoning (associated with Z-3308).
- Amendment #11 (April 13, 2000): again altered the use of Parcel 8 to facilitate the development with several mid-sized retail uses and restaurants.
- Amendment #12 (June 5, 2003): increased the height and amended the requirements for wall signage on Parcel 8.
- Amendment #13 (February 10, 2005) increased the maximum gross floor area of office and hotel uses on Parcels 2 and 3 to 290,000 square feet.

VAC2006-43 is a related case for reducing the platted setbacks from 50 feet on Rock Road and 35 feet on Bradley Fair to 25 feet.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail and restaurants
EAST:	LC	Retail and restaurants
SOUTH:	LC	Retail and restaurant
WEST:	MF-18, LC, GO	Apartment complex, retail, restaurants, office

PUBLIC SERVICES: The site has access to Rock Road, a six-lane arterial with center turn lanes and right-turn lanes, and Bradley Fair Parkway, a collector. The intersection of Rock Road and Bradley Fair Parkway is signalized. The proposed change in traffic is small compared to the overall traffic carried by Rock Road. Other normal municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The “2030 Wichita Functional Land Use Guide, as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the general location as appropriate for “regional commercial,” which is in conformance with the requested amendment.

RECOMMENDATION: The reduced setbacks to 25 feet require specific reasons for waiver approval by the governing body because 35 feet is the minimum setback requirement for commercial development in community unit plans. This approval must be based on demonstrating the waiver meets the criteria and purpose of CUPs. These criteria include “well planned and well organized developments ...for office, commercial, industrial and/or mixed uses that are held under unified control at the time of initial approval.” The main criterion in the Unified Zoning Code for the 35-foot setback is to protect residential districts. An implied subordinate criterion is providing a greater setback along rights-of-way. The placement of the building closer to the street alters the existing pattern along Rock Road, leading to a less regular street façade, but it moves parking spaces away from the street to make the building a more significant anchor to the streetscape. The increased height for architectural features only would be in conformance to the existing building style at Bradley Fair. But, a potentially multi-story building would further obscure the visibility of the main shopping promenade to the east. It is recommended that the height increase be limited to architectural features only. Based upon this and the information available prior to the public hearing, staff recommends the request for Amendment #14 to DP-191 be APPROVED subject to the following conditions:

1. Building Setback: 25 feet for the following portion of Parcel 7: southernmost 240 feet on Rock Road and westernmost 205 feet of Bradley Fair Parkway, contingent upon approval of VAC2006-43.
2. Parcel Descriptions:
 - Maximum Building Coverage – 205,000 square feet
 - Maximum Gross Floor Area – 205,000 square feet
 - Floor Area Ratio – 0.192
 - Maximum Building Height – 35 feet, except 45 feet for architectural features
3. General Provision #22 first sentence shall be amended as follows: Maximum gross floor area for Parcels 2 thru 7 (commercial uses only) shall not exceed 234,287 square feet (does not include the hotel use or the 10,000 square feet for financial institution on Parcel 1).

4. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
7. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: DP-191 Wilson Property is a 67-acre development zoned "LC" Limited Commercial and "GO" General Office, with retail, restaurant, office, financial and hotel uses. The main Bradley Fair shopping center (retail and inline restaurants) occupies the east side of Parcel 7. Three stand-alone retail buildings and three restaurants are located along Rock Road. Parcel 7 surrounds a fourth restaurant located in Parcel 6, Outback Steakhouse; Parcel 6 is independently owned. Parcel 8 is located south of Bradley Fair Parkway and is developed with three larger retail tenants, a cluster of retail shops and another restaurant. Tallgrass Center, zoned LC, is located west of Rock Road and developed with several large retailers, surrounded by small retailers and two restaurants. A large apartment complex, zoned "MF-18" Multi-family Residential, is located immediately to the west of the amendment site. An office complex, zoned GO, is located to the southwest. The Shops at Tallgrass shopping center is located to the north of the Bradley Fair shopping center, and is zoned LC and "NR" Neighborhood Retail.
2. The suitability of the subject property for the uses to which it has been restricted: The site is suitable for development with the general provisions and uses to which it is restricted.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The reduced setbacks to 25 feet require specific reasons for waiver approval by the governing body because 35 feet is the minimum setback requirement for commercial development in community unit plans. This approval must be based on demonstrating the waiver meets the criteria and purpose of CUPs. These criteria include "well planned and well organized developments ...for office, commercial, industrial and/or mixed uses that are held under unified control at the time of initial approval." The main criterion in the Unified Zoning Code for the 35-foot setback is to protect residential districts. An implied subordinate criterion is providing a greater setback along rights-of-way. The placement of the building closer to the street alters the existing pattern along Rock Road, leading to a less regular street façade, but it moves parking spaces away from the street to make the building a more significant anchor to the streetscape. The increased height for architectural features only would be in conformance to the existing building style at Bradley Fair. Also, a potentially multi-story building would further obscure the visibility of the main shopping promenade to the east. It is recommended that the height increase be limited to architectural features only. The remaining parking spaces in the shopping center appear to meet Unified Zoning Code requirements.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The project is in conformance with the Land Use Guide of the adopted Comprehensive Plan.
5. Impact of the proposed development on community facilities: The amendment should have insignificant impact on community facilities.

DONNA GOLTRY Planning Staff presented the staff report.

MOTION: To approve subject to staff recommendations.

ANDERSON moved, **WARNER** seconded the motion, and it carried (11-0).

❖ **OTHER ITEMS**

8. **Case No.: DR 2005-08** - Request Arena Neighborhood Redevelopment Plan - Proposed Amendment to the Wichita-Sedgwick County Comprehensive Plan and Setting a Public Hearing for February 15, 2007

Background: The City has partnered with Sedgwick County and the Wichita Downtown Development Corporation in formulating an Arena Neighborhood Redevelopment Plan. The Plan area is bounded by the central rail corridor on the east, Kellogg on the south, Main Street on the west and extends ½ block north of Douglas.

On June 21, 2005, the City Council approved the selection of Gould Evans to undertake the preparation of this Plan. A 19-member steering committee representing key area and city stakeholders (including City and County elected officials and a representative of the MAPC) was appointed by the City Manager to oversee the development of the Plan. A 13 member Support Team comprised of 12 City and one County administrative support staff was also created to provide technical support to the development of the Plan.

Over the last year and a half, the consultant has worked closely with the steering committee, area stakeholders, residents, landowners, business representatives and the community at-large to build consensus in the development of this Plan. To-date, there have been a total of 18 Arena Neighborhood Redevelopment Plan Steering Committee meetings, 5 City Council workshop presentations, 4 public information meetings (including a two-day design charrette), 2 presentations to the City's Design Council, 2 briefings to the Advance Plans Committee of MAPC, 2 workshop presentations to the Board of County Commissioners, one presentation to the Historic Preservation Board, and 660 responses from a community-wide survey done by the consultant.

Pursuant to direction from City Council, the draft Plan will be also be taken to all six District Advisory Boards in January and early February for further public comment and review.

Elements of the draft Arena Neighborhood Redevelopment Plan:

1. Vision - The draft plan contains a vision that this portion of downtown will become a vibrant, redeveloped urban place where people want to live, work and visit due to its proximity to existing and proposed downtown assets.

Guiding principles for this Plan are as follows:

- Build on existing linkages and assets
- Encourage private investment that creates a special urban place
- Acknowledge distinct districts that exist within the Plan area
- Manage parking and enhance mobility
- Commit to implementation to maximize return on public investment
- Demand quality development
- Adjust the Plan to market conditions

2. The Districts - The Plan builds upon the following four distinct districts that comprise the Plan area:

Douglas Street Corridor District - A highly intense business corridor, primarily office and support commercial uses with upper level residential opportunities. The Plan also recommends diagonal parking on Douglas, from Main to Washington, with three traffic lanes and a crosswalk over Douglas in Old Town.

English/William Street District- An urban mixed-use district of primarily commercial and office uses with supporting public and residential uses.

Broadway Neighborhood District - An urban residential environment with support commercial opportunities serving area residents and Kellogg users.

Commerce Street Arts District - A unique mixed-use district where artists have opportunities to live-work.

3. Parking and Mobility - The plan has four key objectives related to this element:

1. *Improve vehicular circulation and convenience* - The Plan calls for the phased conversion of one-way streets to two-way streets and designing area streets by major function (balanced, pedestrian or plaza).
2. *Create and implement a Downtown parking master plan* – The Plans promotes the multiple use of parking facilities that are priced accordingly, and giving people better parking information and choices.

3. *Use transit to move people from parking to destination, and from place to place.* The Plan promotes the increased use of trolleys to create an enhanced circulator system. Transit would have to be scheduled to link parking areas to event centers.
4. *Create better linkages and pathways through Downtown.* The Plan advocates the creation of easy-to-recognize, safe and interesting pedestrian pathways.

4. Design Framework - In order to create a minimum level of quality and certainty to support future redevelopment investments, the Plan contains recommended design standards that promote urban design appropriate for each of the four Districts, as well as the street rights-of way with them.

5. Implementation - This area has challenges and complexities like no other in the city. The Plan recognizes that a dedicated implementation agency or entity is key to making this Plan a reality. The City or a City-approved catalytic development entity will have to oversee Plan implementations efforts and make strategic public investments that partner with and support private development. The City will have to use its assets (e.g. Allis Hotel site) in the Plan area to attract initial redevelopment.

Prior to adopting the Arena Neighborhood Redevelopment Plan as an element of the Wichita-Sedgwick County Comprehensive Plan, Kansas statutes require the MAPC to hold a public hearing. Planning staff recommends that the public hearing be set for February 15, 2007.

Recommended Action: Schedule a public hearing on February 15, 2007 pursuant to State Statute to receive formal public comment and consider the adoption of the Arena Neighborhood Redevelopment Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

DAVE BARBER, Planning Staff presented the staff report.

BARBER gave a brief overview of the plan to date stating that in June, 2005, the City hired Gould Evans from Kansas City to develop the plan. He said a 19-member Steering Committee was appointed by the City Manager. He said the Committee held meetings with stakeholders, and City and County elected officials, as well as representatives from the Planning Commission. He said 18 Committee meetings were held - 5 with the City Council; 2 with the County Commission; 2 with the MAPC Advance Plans Committee; 4 public information meetings (including a two-day design sharette) as well as presentation to the Historic Preservation Board, and completion of a community wide survey by the consultant. He said today they were presenting a "Draft" document that the City Council had requested that they take to the District Advisory Boards in January and February, 2007 for their feedback. He concluded by saying they also planned on holding public hearings in February and presenting the proposal to the Design Council for their review and comment.

JOHN SCHLEGEL, Director, Wichita-Sedgwick County Metropolitan Area Planning Department, commented that this was the same presentation previously presented to members of the Advance Plans Committee. He said the Commission might want to take the requested action to set the public hearing date so that those committee members may be excused.

MOTION: To set the public hearing date for February 15, 2007.

HENTZEN moved, **BISHOP** seconded the motion, and it carried (11-0).

CHAIRMAN DOWNING wished staff and others a Merry Christmas and Happy New Year.

DOWNING, **HENTZEN**, **MITCHELL**, and **WARNER** – left the meeting @2:25 pm

SCHLEGEL stated that the "Vision" of the Arena Neighborhood Plan was "A vibrant urban experience which complements other facets of Downtown Wichita, encourages private development and investment, and maximizes the return on public investment in the area." He said the area will be an urban place; that there were several distinct districts within the Arena Neighborhood area; that land use and development, mobility and design were interdependent elements of the plan; that mobility included pedestrian, vehicular and transit circulation, as well as parking; linkages to nearby established and planned areas must be strong; and that implementation of the plan will require continuous commitment by a "dedicated agency or group" in order to be successful.

He said the “Districts” were the Douglas St. Corridor District; the English/William Street District; the Broadway Neighborhood District; and the Commerce Street Arts District. He briefly reviewed the plan for each district. He further focused on Parking and Mobility issues including:

1. Improve vehicular circulation and convenience - phased conversion of one-way streets to two-way streets designed by function; major traffic carriers to be Douglas, Waterman, Main, Market and Broadway; and pedestrian streets to be English, Lewis, Topeka, Emporia. He said several “plaza streets” would be designed to be used in flexible ways and closed down during major events. As such, Emporia, William, and St. Francis would have controlled vehicles access.
2. Create a downtown parking master plan and implement it - promote multiple use parking facilities; give people choices; give them information about those choices; price appropriately; put one organization in charge of implementation.
3. Use transit to move people from parking to destination and from place to place - increase the use of trolleys to create an enhanced circulator system.
4. Create easy-to-recognize and interesting pathways throughout downtown. For example, a Sports Hall of Fame walk from Old Town to the arena.

Establish a Design Framework for new development:

1. Adopt design standards (like Old Town) for private investment that promote urban design appropriate for each District, so that private investors feel their investment is protected.
2. Design street rights-of-way that are appropriate for the function of the street, and that will also support private investment.

PLAN RECAP

- Create an urban neighborhood central to many existing and proposed downtown assets
- Advocate adjusting the plan to reflect changing market conditions
- Demand quality development
- Not an “urban renewal” plan
- Create catalytic development entity to oversee implementation
- Use City assets to attract initial redevelopment – using existing properties downtown and development proposals from private sector
- Make strategic public investments that support private investment

SCHLEGEL concluded the presentation by asking for questions and comments.

Responding to a question from **ALDRICH**, **SCHEGEL** commented that the arena design was American’s with Disabilities Act (ADA) compliant.

ALDRICH asked about potential problems with east and west traffic flow and the idea of changing parking along Douglas to diagonal parking.

SCHELEGEL responded that one of the recommendations of the Steering Committee was to change the parking from parallel to diagonal along Douglas from Main to Washington, which would bring the street in that area down to three lanes, but it would also increase parking and promote use of properties for commercial purposes. He said it would also slow down traffic through the area, which the Committee favored. He added that as far as east-west traffic flow, Waterman would have a new alignment to connect to Maple west of the river, Douglas would retain it’s current function and that English and William don’t really “go” anywhere and don’t carry much traffic.

ALDRICH commented that since his office was downtown, safety was another issue in slowing traffic down. He added that he thought it was a good concept to provide diagonal parking because he felt local businesses benefited from more people in the area.

ANDERSON asked what they had in mind as the “catalyst” organization.

SCHLEGEL said it could be a downtown development corporation or a City Department. He said whatever was chosen, the organization needed to have the authority and/or resources to move the plan forward.

BISHOP commented that this proposal would be a change in concept for this part of the community from an area that primarily moves people through as quickly as possible to more of a destination place to live, work and attend various venues. She concluded by saying that she agreed with the diagonal parking idea because six-lane streets discourage pedestrian traffic. She said this area was designed for people to park, get out of their car and go someplace.

DUNLAP said he has heard concerns that Kellogg was the primary route in and out of the area with only two west bound and one eastbound exits off Kellogg, which will create massive traffic jams in the area. He asked if there was any other consideration for exits from Kellogg.

SCHLEGEL responded that during the arena design, a traffic and parking consultant was hired to look at those issues and the consultant felt the current interchanges were sufficient, even for arena sell-out events. He added that there were other means of exiting the downtown area.

DUNLAP said if someone lived at Webb Road, they were going to use Kellogg, not Central or First Street, to get to and from the area.

SCHLEGEL commented that the consultant had recommended improvements to Washington to provide for left turns at Waterman and that the County would be paying for the improvement, which was a relatively small improvement to the intersection.

DUNLAP commented that the consultant obviously didn't go in the direction of Washington and I-135 and added that 2nd and Washington had more accidents than any other intersection in the City. He concluded by saying those were the comments he was hearing from people he was talking to.

SCHLEGEL commented that they were hearing the same comments.

The Metropolitan Area Planning Department informally adjourned at 2:51 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2006.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)